NONIMMIGRANT TREATY TRADER/INVESTOR VISA APPLICATION INSTRUCTIONS

This form, together with Form DS-156, Nonimmigrant Visa Application, constitutes the application for an E-1 Treaty Trader or E-2 Treaty Investor Nonimmigrant Visa. See visa requirements below. Incomplete or undocumented applications will be returned.

All first-time applicants seeking Treaty Trader or Treaty Investor status must complete Parts I and II. Parts I and II must be updated periodically. All individual applicants must complete Part III and Form DS-156. You must answer all relevant questions. Enter "Not applicable" where appropriate. If an enterprise is not yet fully operational, estimates and projections should be made concerning potential income, job creation, volume of sales, etc.

Supporting documents should be submitted in a binder with a table of contents and tabs. The following are examples of supporting documentation which should be attached to first-time applications (not every type of document is applicable in each case; the consular officer may request additional information if required): Evidence of possession and control of investment funds (bank records, financial statements, loans, savings, promissory notes, etc.); evidence of remittance to the United States (bank drafts, transfers, exchange permits, receipts, etc.); evidence of establishment of business in the United States (articles of incorporation, partnership agreement, organization and staffing charts, shares, titles, contracts, receipts, licenses, leases, etc.); evidence of the nationality of the investors/traders (passports, articles of incorporation of parent company, stock exchange listings, etc.); evidence of trade between the United States and the treaty country (invoices, bills of lading, customs clearances, warehouse receipts, shipping receipts, sales receipts, contracts, etc.); evidence of investment in the United States (titles, receipts, contracts, loans, bank statements, etc.); evidence of substantiality (financial statements, audits, U.S. corporate or business tax returns, etc.); evidence that the enterprise is not marginal (payroll records, IRS Form 941, personal tax returns, evidence of other personal assets and income); evidence that the business is a real, operating enterprise (annual reports, catalogs, sales literature, news articles, and other evidence as appropriate); curriculum vitae of the proposed visa recipient (optional).

Use additional sheets of paper, as necessary, to complete responses.

TREATY TRADER AND TREATY INVESTOR VISA REQUIREMENTS

Section 101(a)(15)(E) of the Immigration and Nationality Act provides nonimmigrant visa status for a national of any of the countries with which the United States maintains an appropriate treaty of commerce and navigation, who is coming to the United States to carry on substantial trade, including trade in services or technology, principally between the United States and the treaty country, or to develop and direct the operations of an enterprise in which the national has invested, or is actively in the process of investing, a substantial amount of capital. The requirements for Treaty Trader and Treaty Investor visas are further elaborated in 22 CFR Part 41.51. These requirements are summarized below:

Requirements for a Treaty Trader (E-1) nonimmigrant visa are:

- 1. The applicant must be a national of a treaty country.
- 2. The trading firm for which the applicant is coming to the United States must have the nationality of the treaty country.
- 3 The international trade must be "substantial" in the sense that there is a sizable and continuous volume of trade.
- 4. The trade must be principally between the United States and the treaty country, which means that more than 50 % of the international trade involved must be between the United States and the country of the applicant's nationality.
- 5. Trade means the international exchange of goods, services and technology. The item of trade, and title of that item, must pass from one party to the other in exchange for consideration.
- 6. The applicant must be employed in a supervisory or executive capacity, or possess highly specialized skills essential to the successful and efficient operation of the commercial enterprise. Ordinarily skilled or unskilled workers generally do not qualify.

Requirements for a Treaty Investor (E-2) nonimmigrant visa are:

- 1. The investor, either a real or corporate person, must be a national of a treaty country.
- 2. The investment must be substantial. It must be sufficient to ensure the successful ope ration of the en terprise. The percentage in investment required for a low-cost business enterprise is generally higher than the percentage of investment required for a high-cost enterprise.
- The investment must be in a real operating commercial enterprise. Speculative or idle investment does not qualify. Uncommitted funds in a bank account or similar security are not considered an investment.
- The investment may not be marginal. It must have the capacity to generate significantly more income than just to provide a living to the investor and family, or it must have a significant economic impact in the United States.
- The investor must have control of the funds, and the investment must be at risk in the commercial sense. Loans secured with the assets of the investment enterprise are not considered to be at risk.
- The investor must be coming to the United States solely to develop and direct the enterprise. If the applicant is not the principal investor, he or she must be employed in a supervisory, executive, or highly specialized skills capacity. Ordinarily skilled and unskilled workers do not qualify.

CONFIDENTIALITY AND PAPERWORK REDUCTION ACT STATEMENTS

Confidentiality Statement - INA Section 222(f) provides that visa issuance and refusal records shall be considered confidential and shall be used only for the formulation, amendment, administration, or enforcement of the immigration, national lity, and other laws of the U nited States. Certified copies of visa records may be made available to a court which certifies that the information contained in such records is needed in a case pending before the court.

Paperwork Reduction Act Statement - *Public reporting burden for this collection of information is estimated to average 4 hours per response, including time required for sear ching existing data sources, gathering the necessary documentation, providing the information and/or documents required, and reviewing the final collection. You do not have to supply this information unless this collection displays a currently valid OMB control number. If you have comments on the accuracy of this burden estimate and/or recommendations for reducing it, please send them to: PRA_BurdenComments@state.gov

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U.S. Department of State NONIMMIGRANT TREATY TRADER/INVESTOR APPLICATION USE WITH FORM DS-156/I-129

(USE ADDITIONAL SHEETS OF PAPER, AS NECESSARY, TO COMPLETE RESPONSES)

OMB APPROVAL NO. 1405-0101 EXPIRES: xx/xx/xxxx ESTIMATED BURDEN: 4 HOURS* (See Instruction Page)

	I - BUSINESS PROFILE		
Name of U.S. Enterprise, Business, or Company			
Type of Business Enterprise:			
Corporation Branch/Liaison Office	Partnership		
Privately owned Joint Venture	Subsidiary	Other	
			
3. Address of Headquarters, Subsidiaries and Branch Offices of U.S .	. Enterprise (Specify type of office)		
Telephone Number:	FAX	Number:	
	porotod in the United States (1400	h annvanciata dagumantation.	a como roto
 Date (mm-dd-yyyy) and Place Business Was Established or Incorpapers, partnership agreement, etc.) 	porated in the United States (Attach	т арргорпате поситептатоп, е	.g., corporate
What is the nature of the business?			
Conoral Trade	Retail Sales	Other (Describe)	
General Trade Exports from U.S.	Services/Technology	, ,	
Imports to U.S. Manufacturing	-		
Describe fully the services, production, or other activity in No. 5 at	ove.		
7. Name and Address of Foreign Parent Business (If any)			
Telephone Number:	1 XAF	Number:	
Nationality of Foreign Entity (Corporation, Partnership, etc.) or Foreign Entity (Corporation, Partnership, etc.)			າ)
o. Nationality of Foreign Entity (Corporation, Farthership, etc.) of Foreign	sign marviadar Owner or 0.3. Busi i	IF INDIVIDUAL INVESTOR,	''
NAME	NATIONALITY	IMMIGRATION STATUS/	PERCENT OF OWNERSHIP
		_	
		_	
	_		-
			Total - 100%
Financial Statement for year Calendar	Year Fiscal Year (Attach r	nost recent financial statement	or auditor's report)
Total Assets of U.S. Business:	Current Cash	Historical Cost	
Total Liabilities:	_ Guireilt Casii	i natonoai oost	
	_		of a corporation refers
Owner's Equity:*	_	to paid-in capit	
Total Annual Operating Income:	After Taxes		er's capital accounts in and owner's capital
Before Taxes	Ailei Taxes		le proprietorship.
		200041111111111111111111111111111111111	- hh 10.0h.

10. To measure the amount of international trade with the United Starefer to shipment and sale of goods across international bounda services by treaty-country nationals to nationals of the United State	ates, please complete ries. For trade in ser es and other countries.	the following. <i>(Folvices and technolog)</i>	r trade in merchar gy, exports and ir	ndise, exports and im q orts, nports, refer to the sale of
Gross International Trade of the U.S. Enterprise in	(year)	Calendar Year	Fiscal Year	Ending
	DOLLAR VALUE		ANSACTIONS otional)	PERCENT OF TOTAL TRADE
Imports from treaty country to U.S. business				
Exports from U.S. business to treaty country				
Imports from third countries to U.S. business				
Exports from United States to third countries				
Domestic U.S. production/manufacturing				1000/
Total:		 , <u>-</u>		100%
11. Type of Investment (Check one)				
Total Start-up Costs: Purchase		Cont Fair	tinuation of an existin Market Value of Bus	g business iness:
12. Total Investment from Abroad Made in the United States (Attach of	,			
FOR YEAR Calendar Fisc	aı			
INITIAL INVESTMENT		TOTAL CUMULATIVE II	NVESTMENT	
Cash				
Inventory				
Equipment				
Premises				
Other (describe)				
TOTAL	•			
	•			
13. Source of Investment Capital (personal funds, corporate funds, loa Funds in the United States (Attach full documentation)	ans, stocks, debenture	s, bonds, etc.); Evid	dence of Possessi	on and Control of
	PART II - STAFF			
14. Type of Personnel in the United States (Attach staffing chart)				
Specify: Calendar Year Fiscal Year				
	MANAGERIAL EXECUTIVE	SPECIALIZ ESSENTI		LL OTHER MPLOYEES
	This Year Next Year	ar This Year N	ext Year This Ye	ar Next Year
Nationals of Treaty Country on E, H, & L Visas:				<u> </u>
U.S. Citizens and Legal Permanent Residents:				
Other (Third-Country Nationals):				
TOTAL:				
45 List all a constant of LO business halding according				no bodiosto
 List all personnel of U.S. business holding executive, managerial a nonimmigrant visa status or lawful permanent resident (LPR) status 	ind/or specialist positio s.	ns by subsidiary/br		
NAME AND POSITION/TITLE/DIVISION	NATION	NALITY TYPE	U.S.	PLACE OF ISSUANCE
NAME AND POSITION/TITLE/DIVISION	NATIO	VALIIT ITPE	(mm-dd-yyyy)	PLACE OF ISSUANCE
				_
				_

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PART III - APPLICANT						
16. Name of Applic (Family Name)	ant	(First Name)	(Middle Name)			
Manag	al owner/investor/trader er	Supervisor Executive	Specialist Other	_		
18. Present Positio	n and Duties <i>(Describe ir</i>	detail)				
19. Name and Add	ress of Employer					
20. Years with Pre	sent Employer	21. Highest Level of Education School	Major/Subject Deg	gree Year		
22. Other Relevant Experience and Education <i>(Attach Curriculum Vitae - Optional)</i>						
23. Position in the						
	Tit	e				
24. Annual U.S. Si	ılary and Benefit Packagı	e 25. Name of Person in the United St	ates Being Replaced			
24. 74maar 0.0. o	mary and benefit i dokage	25. Name of Ferson in the Sinica Si				
	Salary	Type of Visa				
	Allowances/Benefi	Date issued (mm-dd-yyyy)	a. An increase i			
	TOTAL	Place issued	b. Continuation United States	of existing employment in the s?		
26. I do solemnly swear or affirm that all statements which appear in this application are true and complete to the best of my knowledge and belief.						
Signature of Responsible Officer Printed Name and Position or Office Date (mm-dd-yyyy)						
27. Name and Add	lress of Person Who May	Be Contacted About This Application	Telephon FAX:	e:		

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